

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL APPLICATION NO.3867 OF 2005**

Pravin Prabhakar Dhule ...Applicant

Vs.

The State of Maharashtra ...Respondent

Shri. Kuldeep S. Patil for the Applicant.

Ms.S.D. Shinde A.P.P. for the Respondent.

**CORAM : A. S. OKA, J.  
DATED : JUNE 30, 2005.**

**P.C.:**

1. Heard Counsel appearing for the parties. On complaint filed by one Asif Ibrahim Shaikh, offence has been registered against the Applicant of the offences punishable under sections 307, 143, 147, 148, 149, 504 and 506 of the Indian Penal Code. The Application for Anticipatory Bail made by the Applicant has been rejected by the learned Additional Sessions Judge.

2. Shri. Patil, learned Counsel appearing for the Applicant submitted that the Applicant is a bonafide student of a college in Mumbai. He stated that the Applicant has no criminal antecedents. He submitted that one of the alleged eye-witness Mirinda Morais filed an affidavit alongwith the Application for Anticipatory Bail made by the Applicant before the

learned Additional Sessions Judge stating that the Applicant was innocent. He submitted that the injured person has criminal antecedents. He submitted that there is no motive alleged against the Applicant. He lastly submitted that considering the fact that the Applicant being a student, he should be enlarged on Anticipatory Bail.

3. The learned A.P.P. has opposed this Application by contending that allegation against the Applicant is that he has assaulted the injured person by a chopper.

4. The F.I.R. discloses that the Applicant was carrying a chopper at the relevant time and the brother of the Complainant was assaulted on the right hand side of the abdomen and on the head. It appears that statements of at least three eye-witnesses have been recorded including the statement of the said Mirinda Morais. From the injury certificate the injury on the victim appears to be of serious nature. There is a stab injury in the abdomen and there is an injury over scalp. Apart from the said witness Mirinda Morais, at least two other witnesses had stated that the Applicant assaulted the victim by a chopper.

5. As held by the Apex Court, gravity of allegations

and need for custodial interrogation are the only two factors to be considered while considering the prayer for Anticipatory Bail. The allegations against the Applicant are very serious. Considering the allegations, custodial interrogation of the Applicant may be necessary especially when he allegedly used a chopper.

6. Hence, there is no merit in the Application. Application is rejected. At this stage, learned Counsel for the Applicant prays that time of two days be granted to enable the Applicant to surrender. The learned A.P.P. opposed the prayer by contending that the Applicant has been absconding. Considering the fact that the Applicant is stated to be a college student, time is granted till 2nd July, 2005 to the Applicant to surrender before the Investigating Officer.

**JUDGE**